

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

VALERIE KLUGE, Derivatively on Behalf of  
Nominal Defendant, ZOOMPASS HOLDINGS,  
INC.,

Plaintiff,

vs.

ROBERT LEE, STEVEN ROBERTS, EDWARD  
(TED) YEW, JON TONDEUR and BRIAN  
MORALES,

Defendants,

and

ZOOMPASS HOLDINGS, INC.

Nominal Defendant.

Case No. 2:17-cv-02578-APG-CWH

**ORDER APPOINTING CO-LEAD  
AND CO-LIAISON COUNSEL**

(ECF No. 14)

AIRICK JOHNSON, Derivatively on behalf of  
Nominal Defendant, ZOOMPASS HOLDINGS  
INC.,

Plaintiff,

v.

ROBERT LEE, STEVE ROBERTS, EDWARD  
YEW, BRIAN MORALES, AND JON  
TONDEUR,

Defendants,

and

ZOOMPASS HOLDINGS, INC.

Nominal Defendant.

Case No. 2:17-cv-02949-JAD-CWH

(ECF No. 8)

Plaintiffs Valerie Kluge and Airick Johnson (collectively, "Plaintiffs") have moved to appoint co-lead counsel and co-liaison counsel. ECF No. 14. The motion is supported by good cause so it will be granted.

IT IS THEREFORE ORDERED that Plaintiffs' motion is granted. Plaintiffs' selection of Faruqi & Faruqi, LLP and The Brown Law Firm, P.C. as co-lead counsel ("Co-Lead Counsel"), and Albright, Stoddard, Warnick & Albright and Levery & Associates Law Chtd. as co-liaison counsel ("Co-Liaison Counsel") is approved. **Barring objection from any plaintiffs later consolidated into this case**, Co-Lead Counsel is hereby vested by the Court with the following responsibilities and duties in connection with this Consolidated Action:

1. To direct and coordinate the briefing and arguing of motions;
2. To direct and coordinate the initiation and conduct of discovery proceedings, including, but not limited to, requests for production of documents and/or third party subpoenas;
3. To direct and coordinate the examination of witnesses in depositions and oral interrogatories;
4. To act as spokesperson for plaintiffs at pretrial conferences;
5. To call meetings of plaintiffs' attorneys in the Consolidated Action;
6. To direct the preparation for a trial of this matter and to delegate work responsibilities to selected counsel as may be required in such a manner as to lead to the orderly and efficient prosecution of this Consolidated Action and to avoid duplicative or unproductive effort;
7. To direct and coordinate the conduct of pre-trial, trial and post-trial proceedings;
8. To consult with and employ experts; and
9. To initiate and conduct any settlement negotiations with counsel for defendants.

No motion, request for discovery, or other pre-trial proceedings shall be initiated or filed by any plaintiff except through Co-Lead Counsel. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel, and such agreements shall be binding on all plaintiffs in this Consolidated Action. Co-Lead Counsel are hereby designated as the counsel for plaintiffs upon whom all notices, orders, pleadings, motions, discovery, and memoranda may be served, and defendants shall affect service of papers on plaintiffs by serving Co-Lead Counsel.

If defendants file a single pleading or other paper directed to all plaintiffs in this Consolidated Action, the response on behalf of plaintiffs shall be made in a single pleading or other paper to be

served by Co-lead Counsel. All plaintiffs in this Consolidated Action shall be bound by that pleading or paper.

**Barring objection from any plaintiffs later consolidated into this case**, the organizational structure established by this Order shall bind counsel for plaintiffs in this Consolidated Action or any subsequently filed cases consolidated therewith.

IT IS FURTHER ORDERED that the Order Staying Proceedings (the “Stay Order”) entered by the Court in the Kluge Action on November 21, 2017 (ECF No. 13), shall remain in full force and effect in this consolidated action, and this Order does not constitute a lifting of the stay pursuant to paragraph 6 of the Stay Order.

DATED this 12th day of March 2018.



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE